IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C. W. P. No. 1128 of 2007
Date of Decision: January 23, 2007

Maninder Paul Singh .....Petitioner

Versus

State of Punjab and others .....Respondents

Coram: Hon'ble Mr.Justice J.S.Khehar
Hon'ble Mr.Justice S.D. Anand

Present: Mr.D.S.Patwalia, Advocate for the petitioner.

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J.S. KHEHAR , J. (oral)

The petitioner is a Lecturer. He has, however, been allowed to officiate as Principal. The grievance raised by the petitioner in the instant writ petition emerges from the order dated 28.11.2006 (Annexure P9).

A perusal of Anneuxre P9 reveals that the petitioner has been required by the Deputy District Education Officer (Senior Secondary) Patiala to respond to a complaint against the petitioner. A copy of the aforesaid complaint dated 18.9.2006 has been placed on the record of this case (Annexure P10). Another complaint also dated 18.9.2006 has been placed on the record of the case (Annexure P11).

The first contention of the learned counsel for the petitioner is that it is not open to the Deputy District Education Officer

(Senior Secondary) Patiala to seek the explanation of the petitioner. In order to substantiate his aforesaid contention, learned counsel for the petitioner has relied on the instructions issued by the Chief Secretary to Government of Punjab dated 3.5.1967. A perusal of para (i) of the aforesaid instructions reveals that anonymous and pseudonymous complaint `should be' rejected and destroyed. Clause (ii) of the aforesaid policy instructions requires complaints be entertained only at the hands of an authority which is also authorized to punish an employee whose explanation is being sought.

It is not possible for us to accept either of the aforesaid contentions of the learned counsel for the petitioner. Having perused the complaints placed on the record of this case as Anneuxres P10 and P11, we are satisfied that the complaints contain allegations against the petitioner which are clear and unambiguous and can easily be verified from the records. In such circumstances, it would be in the interest of the petitioner himself to respond to the same, so as to clear all ambiguity about his antecedents.

In so far as the second contention is concerned, since the explanation sought from the petitioner is not for inflicting any punishment upon him, but only for the purpose of gathering information, it is not possible for us to accept that the Deputy District Education Officer (Secondary Education) Patiala was not competent to seek his explanation.

Finding himself in the aforesaid predictment, learned counsel for the petitioner then contended, that the complainant has close proximity with the Deputy District Education Officer (Secondary Education) Patiala, and that, the petitioner would not mind to submit his

explanation to any other superior officer including the Circle Education Officer (while responding to the impugned order dated 28.11.2006 vide which the petitioner's explanation has been sought).

Notice of motion.

On our asking, Mr.B.S.Chahal, AAG Punjab accept notice on behalf of the respondents 1 to 3. Learned counsel for the respondents states that he has no objection to the acceptance of the alternative prayer made by the learned counsel for the petitioner. In this behalf, it is submitted by the learned counsel for the respondents, that the explanation tendered by the petitioner in response to impugned order dated 28.11.2006, (Annexure P9) will be considered by an officer of the rank and status of Circle Education officer.

The concession recorded at the hands of the learned counsel for the respondents fully satisfies the petitioner, who seeks two weeks time to enable him to file a reply to the communication dated 28.11.2006. Prayer is allowed. The petitioner is granted liberty to furnish his response to communication dated 28.11.2006, (Annexure P9) within two weeks from today.

Disposed of accordingly.

Order dasti on payment of usual charges.

(J.S.Khehar)
Judge

(S.D.Anand)
Judge

January 23, 2007
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